

Application No. 10/712,978
Reply to Office Action of January 27, 2006

REMARKS

Claims 34–47 are pending in the application. Claims 40–47 have been allowed. Claim 34 has been amended to clarify the relative positions of the substrate and the adhesive article.

Rejection of Claims 34–40 Under 35 U.S.C. §112

Claims 34–40 have been rejected under 35 U.S.C. §112, second paragraph, as being indefinite. The Examiner has stated that the claim is confusing because it is not clear how the substrate and the adhesive article relate to each other. Claim 34 has been amended to recite that the adhesive article is heat sealed to the substrate and covers the fluid transport structure, and the coating layer of the adhesive article is positioned to contact the fluid of the fluid transport structure. Support for the amendment to claim 34 can be found in the specification at page 24, line 19 to page 28, line 15 wherein lidded articles are described, and more specifically, at page 26, lines 1–4. In view of the amendment to claim 34, Applicants respectfully request withdrawal of the rejection of claims 34–40.

Rejection of Claims 34, 37 and 38 Under 35 U.S.C. §102(b)

Claims 34, 37 and 38 have been rejected under 35 U.S.C. §102(b) as being anticipated by JP 2001-031907. The Examiner contends that the Japanese reference teaches a coating material used for the inside of a roof gutter and that the coating comprises a polymer silicone adhesive and a surfactant and that a normal gutter structure would meet any interpretation of claim 34.

Applicants respectfully disagree with the Examiner's contention. JP 2001-031907 discloses a photocatalyst-containing paint that adheres well to organic base materials. The paint is disclosed as having particular utility for outdoor structures that come into contact with rainfall, including a roof gutter. The water-based paint includes (i) an alkali metal silicate, (ii) a surfactant and (iii) an acrylsilicone or an alkylalkoxysilane as the paint binder. JP 2001-031907 does not disclose, teach or suggest the fluid transport article as claimed by Applicants. Therefore, Applicants respectfully request withdrawal of the rejection of claims 34, 37 and 38 under 35 U.S.C. §102(b).

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Allowance of Claims 41-47

The Examiner has allowed claims 41-47 drawn to a biosensor. Applicants acknowledge with gratitude the allowance of these claims.

Conclusion

In view of the foregoing amendments and remarks, Applicants respectfully request reconsideration and a timely issuance of a notice of allowance for claims 34-47. In the event any additional fees are due in connection with the filing of this paper, the Commissioner is authorized to charge those fees to our Deposit Account No. 18-0988 (Reference: AVERP3423USB).

Respectfully submitted,
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